



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/624,253

07/22/2003

Lowell L. Winger

03-0781 1496.00317

7358

22501 7590 08/15/2008

CHRISTOPHER P MAIORANA, PC

LSI Corporation

24840 HARPER

SUITE 100

ST CLAIR SHORES, MI 48080

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

08/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Submitted Amendment After Final

1. Applicants arguments filed on 7/28/08 directed towards the entry of the submitted Amendment After Final have been fully considered but they are not persuasive.
2. The Applicants present one argument directed towards the justifiable entry of the submitted amendment based on a sufficient showing under 37 CFR §1.116(b) (3), said responsive amendment either canceling claims or being necessary to rebut the new ground of rejection presented for the first time in the final Office Action, and incorporating subject matter from the cancelled dependent claims and, the result of which is believed to better focus, if not remove issues for appeal, or require only a cursory review by the Examiner in conjunction with the arguments presented to rebut the rejections of the dependent claims (Amendment After Final of 7/28/08: page 9, lines 4-21). The Examiner respectfully disagrees. The subject matter of cancelled claim 2 recited:

“...(A) accepting a common slice containing a plurality of macroblocks, wherein said plurality of macroblocks switch from non- I PCM mode macroblocks to I PCM mode macroblocks in macroblock scan order...”

However, the proposed amendments o claims 1, 9, and 13 (with particular attention to claim 1) as submitted in the amendment herewith is:

“...(A) accepting a common slice containing a plurality of macroblocks, wherein said plurality of macroblocks switch from non- I PCM mode macroblocks to I PCM mode macroblocks in macroblock scan order; (B) generating a first signal ***comprising said non-I PCM mode macroblocks*** and a second signal ***comprising said I PCM mode***

Art Unit: 2621

macroblocks by parsing the common slice in said bitstream...”

The Examiner notes that the association of the first and second signals with respective non-I PCM mode and I PCM mode macroblocks has never heretofore been a designated feature of the instant invention in this incarnation of the claims or in any previous listing of the claims, and was definitely not one that the Examiner had ever considered in prior stages of prosecution.

Therefore, the Examiner asserts that much more than a “... cursory review...” of the claims and the attending arguments would be needed including a further search and/or consideration of the functionality of the instant invention if the Amendment After Final of 7/28/08 is entered. As such, the amendments presented herein and the arguments as to the merits of the amended claims are not found to be compliant with the showing requirement under 37 CFR §1.116 (b) (3) and **will not be entered.**

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao
Primary Examiner
Art Unit 2621

asr
/Andy S. Rao/
Primary Examiner, Art Unit 2621
August 13, 2008